

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 21-47 are pending in this application.

Regarding the Claim Objection

Applicant appreciates the Examiner's thorough reading of claim 34. The Examiner is correct that the term should be "Q-ary". Applicant has amended claim 34 as suggested.

Regarding the § 112 Rejection

Claims 33-41 were rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has amended claim 33 to recite a plurality of method steps to comply with the enablement requirement of 35 U.S.C. § 112, first paragraph. Applicant respectfully requests that this § 112, first paragraph, rejection be withdrawn and respectfully submits that claim 33-41 are ready for allowance.

Regarding the § 102 Rejection

Claims 21-23 and 25-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Atarius et al (U.S. Patent No. 6,526,035). Applicant respectfully traverses this rejection.

Atarius et al was filed on June 9, 1998 and issued on February 25, 2003. The present application is a continuation of Serial No. 09/129,151, filed August 5, 1998, U.S. Patent No.

6,185,244; which claims the benefit of Provisional Patent no. 60/057,412, filed August 29, 1997. As such, the present application has a priority date of August 29, 1997. Applicant respectfully submits that Atarius et al is an inappropriate reference to use as prior art for the present application under 35 U.S.C. § 102(e). Applicant respectfully submits that this § 102 rejection is therefore moot. Applicant further submits that claims 21-23 and 25-32 are therefore allowable.

Regarding the Allowable Subject Matter

Applicant appreciates the Examiner's indication that claim 24 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant respectfully submits that because Atarius et al is, in fact, not prior art to the present application, there is no need, at this time, to rewrite claim 24 in independent form to include all the limitations of the base claim and any intervening claims. Applicant respectfully submits that claim 24 is allowable as presently written.

Regarding the Double Patenting Rejection

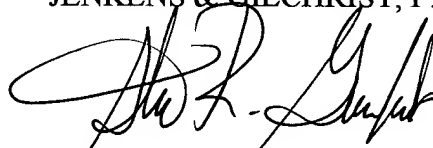
Applicant will timely file a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) at the time of allowance to overcome any actual or provisional rejection based on the non-statutory double patenting rejection.

Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below to further prosecution of this application to allowance and issuance.

In view of the above, it is believed that this application is in condition for allowance, and such a Notice is respectfully requested.

Respectfully submitted,

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